

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:14 CR 114
Plaintiff,)	
)	
vs.)	MEMORANDUM IN SUPPORT
)	OF MOTION TO DISMISS
JOSHUA SUGGS,)	
)	
Defendant.)	

COMES NOW the Defendant, Joshua Suggs, in support of his Motion to Dismiss, and provides the following law and logic, to wit:

1. The Defendant was indicted by a federal grand jury on April 21, 2014;
2. On April 24, 2014, he entered his not guilty plea to the charge against him and the speedy trial clock began to run;
3. On April 24, 2014, pursuant to motions by both the Defendant and the Government, the Court ordered that the Defendant be committed to the custody of the Attorney General for placement in a suitable facility to be examined for a reasonable period of time not to exceed thirty (30) days in order to determine the Defendant's competency and not to exceed forty five (45) days to evaluate him as to mental responsibility;
4. Pursuant to a letter from Warden L.R. Thomas at the Federal Bureau of Prisons Metropolitan Detention Center in Los Angeles, California, the Attorney General was granted an extension of time for the Defendant's evaluation period until July 24, 2014;
5. The Court provided that the Defendant's evaluation should be completed by July 14, 2014, and the final evaluation report should be submitted to the Court by August 4, 2014;

6. While the Bureau of Prisons report was to be completed by July 14, 2014, it was not completed until August 28, 2014. While the report was to be submitted to the Court by August 4, 2014, it was not submitted until September 25, 2014;
7. Meanwhile, the Defendant has been in the custody of the Bureau of Prisons since April 24, 2014, and is still in Los Angeles, California. He therefore has been in custody for over 160 days;
8. While periods of delay arising out of examination of the Defendant to determine mental competency are considered excludable time under 18 U.S.C. 3161(h)(1)(A), those periods of delay are not excludable as to any time that exceeds the timetable set by the Court;
9. Furthermore, delays in transporting the Defendant to and from his place of examination are no excludable time under 18 U.S.C. 3161 (h)(1)(F) if that time exceeds ten (10) days. Under this statute, the delay is deemed to be unreasonable;
10. While the Court ordered the evaluation on April 24, 2014, the Defendant did not arrive at the Bureau of Prisons Los Angeles facility until twenty one (21) days later;
11. The Defendant is still at the Bureau of Prisons Los Angeles facility and has not been sent back to Omaha, Nebraska. The Defendant believes that his return will also take an unreasonable twenty one (21) days before he arrives back at this jurisdiction;

WHEREFORE, the Defendant prays the Court for an order dismissing his case for violating his Right to a Speedy Trial under 18 U.S.C. 3161.

JOSHUA SUGGS, Defendant.

S/JAMES MARTIN DAVIS #10927

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CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2014, I electronically filed the foregoing with the Clerk of the United States District Court using the CM/ECF system, which will send notification of such filing to the following:

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S/ JAMES MARTIN DAVIS